

REMARKS

This Amendment is in response to the Office Action dated June 19, 2003. Claims 1-17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Crooks et al. in view of Landry (U.S. Patent Nos. 5,943,656 and 5,956,700), respectively.

Applicants have amended claims 1, 11 and 14-16. Applicant notes that it has amended the claims for clarification purposes only and that no new matter has been entered. Claims 1-17 remain for reconsideration.

The Examiner has rejected Claims 1-17 under 35 U.S.C. §103(a) as being unpatentable over Crooks et al. in view of Landry alleging that the elements of Claim 1 are rendered obvious by selected teachings of the references. In response, Applicants have amended the claim to specify the distinction between the present invention and the teachings of the references and the Applicants respectfully request reconsideration in view of the same.

Crooks et al. discloses a computerized billing system and payment method. The host system includes a database that has information associated with the billable entity from which payment is to be received. Billing information is received from the billing entity and is associated with the bill for payment of the billable entity. The billable entity is provided with remote electronic access to the billing information and the host computer can authorize payment.

The '656 system utilizes apparatus to examine billing information in accordance with predetermined tolerance parameters, prior to the billable entity gaining access. Another aspect of the '656 system is one in which a plurality of billing entities provide billing information to the host system with the billing information being subsequently checked and consolidated into a consolidated amount, which can be remotely accessed by the billing entity.

The '656 system has an embodiment where a plurality of utility providers are incorporated into the system and provide billing information for customers which may have different geographically separate sites and are being serviced by different utilities. The billing information is consolidated and made available electronically through access, which is initiated by the customer.

Landry discloses a system for paying bills without requiring interaction of the payors disclosed. The '700 system includes a payor control interface, a communications interface, a bill generator, and a TCF message generator. The bill generator generates bills from payee and payor information within the system for recurring bills. The bill generator may also generate bills from the payor and pay information and from bill data messages received from payees. The generated bill records are used by the TCF message generator to generate EFT messages for transferring funds electronically between payors and payees. Payors may alter the payment amount and date for bill, as well as reverse payment of the bill already paid. Payees are also able to alter recurring bill records or may present bill data so that bill records reflecting variable obligation amounts may be generated.

The Applicant has amended claim 1 to include the limitation of a rule database which is used to examine the *substantive, qualitative* content of a descriptive entry in addition to simply examining the dollar amount of an entry. In the present invention, each invoice is comprised of payor and payee information, including the appropriate file and invoice number. Typically, the invoice is drawn to a plurality of matters. Each of the matters may have one or more descriptions of the services rendered each with substantive content, as well as a dollar amount associated with it. The present invention includes a rule base, which is used by the system to evaluate the substantive content as well as the dollar amount associated with that entry.

Neither the '656 system nor '700 system employ method or apparatus for identifying the descriptive field associated with each dollar entry. Moreover, there is no hint or suggestion of a rule base, which is used to evaluate the descriptive field entry. This is not surprising given the fact that the application of the '656 system is directed towards a billing situation where the commodity which is being invoiced tends to be

one which is predetermined in advance or well known, such as cubic feet of natural gas or kilowatt hours of electricity. See Figures 7, 10, et seq. This also, with regard to the '656 patent, explains the performing capability of that system to provide a consolidated billing where the many entries are combined into one dollar amount. This would not be appropriate in the present situation wherein each matter is comprised of a series of entries in a discrete different nature and the substantive content of the entry has to be evaluated.

See also Column 6, lines 53 et seq., where the '656 system is disclosed to include apparatus which allows for a billing information that fails one tolerance parameter and can be excluded from consolidation until resolution of that entities billing information, or alternatively, an estimate can be made and a correction provided in subsequent invoices. This capability would not be appropriate with systems of the present invention as the data cannot be easily quantified or estimated.

The '700 system is configured so that it will have an automatic payment unless it is stopped. Much like the '656 system, the '700 system does not have any capability to substantively examine the content of the invoice entry for both dollar amount, as well as content. Although there is an audit process associated with the '700 system, it is limited to the specific parameters of the bill such as proper names, addresses and other such similar client and payor and payee parameters.

The typical system for audit parameters used by the '700 system, shown in Columns 11 and 12, whereas a "standard invoice or bill which includes ... account summary, description of or notice of a payment amount due". See also Column 12, wherein the billing data messages have variable obligation amounts or due dates based upon customer (payor) usage or the like of a payee's service or goods.

Here again the '700 system's auditing apparatus is limited to those elements of the payor and payee which do not deal with the substantive content of each good or service entry but rather those associated with the payor or payee or the specifics of the contractual relationship, such as invoice dates, payment intervals, minimum and maximum dollar amounts, etc.

Another aspect of the present invention which is not disclosed or claimed by the references applied by the Examiner is the ability of the present system to examine the substantive content of each of the description entries in the invoice to identify a discrepancy or error and then provide the invoice back to the service or good provider so that the error can be corrected and then resubmitted for evaluation. In the '656 system and '700 system, any discrepancy in the field data causes that particular invoice to be put on hold for subsequent correction. There is no immediate feedback to the submitter of the invoice for identifying the error and the perfect correction is needed.

With regard to amended claim 1, the Applicant has amended the claim to clarify that the billing and rule data include *billing codes which identify the specific tasks undertaken by the billing party as a part of the services rendered*. As mentioned above neither of the references cited teach or suggest undertaking a qualitative assessment of the type services rendered to determine whether payment should commence. The references cited examine quantitative factors such as the amount the invoice and number of hours billed.

Claims 2-11 all depend on claim 1 and for the reasons discussed above are non-obvious and allowable.

Claims 14-17 have likewise been amended to clarify that the billing and rule data include billing codes which identify the specific tasks undertaken by the billing party as a part of the services rendered. These claims are also non-obvious and allowable.

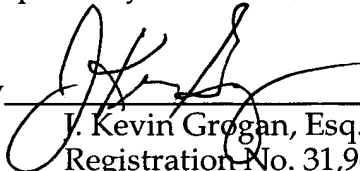
For these reasons, the Applicant respectfully requests that the Examiner withdraw the rejection and pass this case to issue.

Applicants note that the Patent Office was closed on the original due date, Friday the 19th, due to Hurricane Isabel. Applicants' response is timely in that it is submitted on the following business day, Monday, September 22, 2003.

No fees are considered to be due with the filing of this Response; however, if it is determined that payment of a fee is required, please charge our Deposit Account No. 13-0235.

Respectfully submitted,

By


J. Kevin Grogan, Esq.
Registration No. 31,961
Attorney for Applicant(s)

McCORMICK, PAULDING & HUBER LLP
CityPlace II, 185 Asylum Street
Hartford, CT 06103-4102
Tel: (860) 549-5290
Fax: (413) 733-4543